United Nations S/AC.47/2011/2

Security Council

Distr.: General
19 May 2011

Original: English

Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

Letter dated 17 May 2011 from the United States Mission to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the United States of America presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan, and has the honour to enclose the report of the United States on the implementation of sanctions requested in Council resolutions 1945 (2010), 1591 (2005) and 1556 (2004) (see annex).

(*Signed*) Joshua **Black**
Adviser

11-35890 (E) 060611

Please recycle

Annex to the letter dated 17 May 2011 from the United States Mission to the United Nations addressed to the Chairman of the Committee

Report of the United States on the implementation of sanctions imposed by Security Council resolutions 1945 (2010), 1591 (2005) and 1556 (2004)

Travel ban

Under the applicable provisions of the Immigration and Nationality Act, the United States takes the necessary measures to prevent the entry into or transit through the United States territories of individuals designated by the Committee established pursuant to resolution 1591 (2005) concerning the Sudan (hereinafter referred to as "the Committee"), provided that the individuals are not nationals of the United States. To the extent consistent with United States law, travel exemptions will be granted if the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation, or if it will further the objectives for the creation of peace and stability in the Sudan and the region, or if the United States is obliged to permit the travel due to the United Nations Headquarters Agreement.

Asset freeze

The United States takes the necessary measures to freeze without delay the funds, other financial assets and economic resources that are within the jurisdiction of the United States, and that are owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, as designated by the Committee. Additionally, the United States ensures that any funds, financial assets or economic resources are not made available to or for the benefit of designated individuals and entities by United States nationals or by any individuals or entities within the territory of the United States. The United States may authorize the release of frozen assets in certain compelling circumstances.

The United States implements the asset freeze pursuant to Presidential authorities under the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.) (NEA), section 5 of the United Nations Participation Act, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code.

Arms embargo

The transfer of United States defence articles and defence services are controlled by Government-to-Government agreements (called Letters of Offer and Acceptance in the Foreign Military Sales (FMS) system) and by export controls for commercial transfers implemented through the Arms Export Control Act (AECA) and the International Traffic in Arms Regulations (ITAR). The AECA and the ITAR are the basis for United States compliance with the arms embargo on Darfur

imposed by resolution 1556 (2004) and expanded by resolutions 1591 (2005) and 1945 (2010).

The United States munitions export control system is designed to deny access to United States-origin defence equipment and technology by adversaries and parties whose interests are inimical to those of the United States. The export control process is closely regulated and excludes the participation of embargoed and other ineligible parties in the United States defence trade.

The United States requires all United States persons who manufacture or export defence articles, or furnish defence services, or United States and foreign persons engaged in arms-brokering, to register with the United States Department of State. Once registered, any export of a defence article, or defence service, or a brokering activity must be authorized through a licence or other authorization by the Department of State. Direct commercial sales are subject to end-use monitoring under the Arms Export Control Act as implemented by the Department of State "Blue Lantern" Program. Arms export control violations, including provision of defence articles and technology to ineligible persons and associated persons, are subject to strict penalties — criminal (including a jail sentence of 10 years and/or a $1 million fine for each violation) and civil (debarment from participation in the United States defence trade and monetary penalties up to $500,000 for each violation).

For FMS transfers, the Letters of Offer and Acceptance require foreign countries to permit end-use monitoring and verification by United States personnel who ensure that defence articles are used, stored and maintained in accordance with United States law. This is done via the Department of Defense "Golden Sentry" Program, which involves in-person inspection of sensitive defence articles in the foreign country.

Both the Blue Lantern and Golden Sentry programs are designed to provide reasonable assurances that the end-users of controlled items use the items for the purpose for which they were provided, refrain from retransferring the items without proper authorization, and provide the items with the appropriate level of security.